

AMENDATORY SECTION (Amending WSR 98-19-054, filed 9/15/98, effective 10/16/98)

WAC 381-10-170 Victim's rights. (~~This rule is provided to ensure the orderly presentation of victim statements so that victims or their representatives may freely exercise their constitutional rights.~~

~~(1) Written statements. Consistent with prior board practices, the board will continue to encourage victims or their representatives to submit written statements to the board. Prior notification is not required for the submission of written statements.~~

~~(2) In-person statements. Upon notification either through the prosecuting attorney to the board, or directly to the board that an in-person statement is requested by the victims or their representatives, such person shall be invited to make an in-person statement to the board as a whole at a regularly scheduled board meeting, or through a meeting with the chair prior to a final decision allowing an offender to be released on parole.~~

~~(3) Other statements. The board also encourages victims or their representatives to submit audio cassette or video (VHS) tape statements. The statement will be presented at a regularly scheduled meeting before the offender's final parole release decision is made.))~~

Policy statement

The indeterminate sentence review board (ISRB or board) recognizes the rights afforded victims and survivors in the Washington state Constitution (Article I, Section 35). Among these rights is the right to give statements at hearings where an offender's release is considered. The ISRB is committed to protecting this right by providing:

- Accurate information.
- Timely notification.
- A process for receiving input.

Assistance to victims and survivors

The ISRB victim liaison will help victims and survivors of crimes committed by persons under the authority of the board. The victim liaison may provide:

- Notification of upcoming release hearings.
- Assistance preparing statements to the board.
- Assistance scheduling in-person or telephonic statements to the board.
- Notification of the final release decision made by the board.

Statement format

The ISRB will accept statements from victims or survivors before the inmate's hearing. Statements may be given:

- In person to the entire board or a majority of its members at a board meeting. If there are a number of victims or survivors at a meeting and not enough time for each to speak, the board may ask a representative or representatives to speak on behalf of the others.

- In person, made at the inmate's release hearing within the institution.

- Telephonically with board members.

- Written format.

- Electronically (i.e., via e-mail, videotape, CD or other electronic means).

- Via videoconference (if available).

In cases where statements will be given in a language other than English, the board will arrange and bear the cost for interpreter services (including American sign language). The board must know which language will be used well in advance of any in-person meetings. Written statements must identify what language was used.

Statement content

Statements may include, but are not limited to:

- Information regarding the impact of the crime upon the victim, survivor or family.

- The physical, emotional, psychological, financial, employment, relational and social impacts of the crime, as well as long-term prognosis of victims and survivors.

- Opinions regarding release decisions.

- Requests that certain conditions be placed upon offenders when released onto community supervision.

- In life photographs, or videotapes of deceased victims.

- Descriptions of the actual offense, history of the relationship between the victim and offender, and other information concerning the offender's personality that will assist the board to make an informed decision.

Limited confidentiality

When the ISRB receives statements or communications from victims, survivors or concerned community members the ISRB shall provide the statements or summaries to inmates and/or their attorneys in accordance with court decisions.

Accommodations

When requested, the ISRB may make reasonable accommodations to help individuals give statements to the ISRB. These accommodations can include, but are not limited to:

- Interpreter services (pursuant to chapters 2.42 and 2.43 RCW).

- TTY or other voice or hearing assistance devices.

- Age-appropriate assistance for child victims or survivors.

- The presence of supportive persons or victim advocates.

- Board member travel to a location of mutual agreement.